

PLANNING COMMISSION MEETING MINUTES
May 4, 2004

CALL TO ORDER--Chair Lostrom called the meeting of the Medina Planning Commission to order at 7:00 p.m.

ROLL CALL--Commissioners present were Brog, Greenspoon, Jordan, Nelson, and Lostrom. Commission members Lawrence and Price were absent and excused. Staff members present were Planning Director Gellings, and Recording Secretary Carol Wedlund. Consultant Tim Tobin, with Roth-Hill Engineering, was also present.

ANNOUNCEMENTS --Vice Chair Nelson stated he, Public Works Director Jahn and Mayor Odermat had recently attended a WSDOT meeting regarding how SR-520 changes would impact Medina. He relayed there would be some impacts to property along the SR-520 corridor which the Commission might be interested in reviewing, and they might also want to receive updates from city staff. Mr. Gellings added Public Works Director Jahn was taking the lead for city staff. Vice Chair Nelson continued the eight-lane option was no longer being considered, and only the four and six-lane options remained. The communities in Seattle had received a grant to have an engineer make suggested changes. The eastside communities had not requested a grant or hired a professional for review, and they might want to do so. Chair Lostrom received mailers from WSDOT, and suggested anyone interested in being added to the mailing list should contact Public Works Director Jahn or WSDOT.

Mr. Gellings stated Bellevue School District had scheduled the fourth and final informal presentation meeting from 6:30 p.m. to 8:30 p.m. on May 12, 2004 at the Medina Elementary gymnasium. The formal SUP hearing would take place on June 7, 2004 before the City Council. He also announced the May 24, 2004 Council Study Session would be devoted to a presentation of the building permit process.

MEETING MINUTES--Commissioner Jordan requested the penultimate sentence in paragraph two on page two be removed and replaced with, "Commissioner Jordan suggested that another litmus test be developed." Commissioner Brog moved, seconded by Commissioner Jordan to approve the minutes of April 6, 2004 as amended, and the motion carried unanimously.

PUBLIC HEARING--**Construction Mitigation Plan – Level II – Buchan Medina Homes – 7807 NE 12th Street** -- Chair Lostrom asked if any Commission members had a potential conflict of interest with this public hearing. Commissioner Brog stated his neighbor was a member of the builder's family, but he could render a fair decision. Vice Chair Nelson indicated he knew his neighbors directly to the south, but that would not impact his judgment. No one else on the Commission indicated a potential conflict of interest. Chair Lostrom asked if anyone in the audience objected to these Commission members hearing this public hearing, and there were none.

Consultant Tim Tobin, of **Roth-Hill Engineering**, gave an analysis of the Level II Construction Mitigation Plan for Buchan Medina Homes. He stated the existing single family residence in the R-16 zone would be demolished and replaced with a new, larger 5,800 single-family home. Mr. Tobin noted additional site improvements would include a new driveway, patio and walks. The proposed site impervious surface was 7,561, approximately 47 percent of the total site area. He relayed access to the property was over a shared private lane off NE 12th Street. Site-specific mitigation issues included impacts to the shared private access lane and to the property of the neighbor to the southwest. The Bellevue Fire Department wanted branches removed to a height of 13 feet for several trees along the private lane on the property belonging to the neighbor to the north, 805 NE 12th Street. There had been some confusion regarding the extent of tree pruning or removal required by the Fire Marshall. He indicated the neighbors were willing to prune tree branches, but might be resistant to removing the trees. To meet Medina Municipal Code requirements, the applicant must improve the existing lane and install an emergency vehicle turnaround at its terminus, which would require coordination with adjacent neighbors. The neighbor to the north preferred that the circular portion of the lane be removed and that a new private lane with emergency vehicle turnaround be constructed in its place. Medina staff had met on site with a representative of the Bellevue Fire Marshall, and had determined that the modified private lane and emergency vehicle turnaround was the preferred alternative. No construction permits would be issue until this issue was resolved.

Mr. Tobin stated the applicant proposed connecting the site storm drainage to the storm drainage of the neighbor to the southwest at 7820 NE 10th Street. This connection would require an easement from the neighbor to the southwest, which the applicant was attempting to obtain. The city would request legal proof of the easement prior to granting a grading/drainage permit for such a connection. If an easement could not be obtained, the applicant would need to pump storm water to NE 12th Street, which would require trenching across the north neighbor's property within the utility easement.

Medina was asking for an emergency vehicle turn-around. In a meeting with Building Official Bob Rohrbach and a representative of the Bellevue Fire Marshall, agreement was reached that the city would require a hammerhead

turn around. However, negotiation remained between the parties how that access would be achieved. He felt the Commission should recommend approval of the plan, and the turn-around issue could be dealt with by city staff. He read the three recommended alternatives into the record. Mr. Tobin indicated removal was required for the trees in the middle of the turn-around. The current lane would not need to be widened. As long as limbs were cut up to a height of 13 feet, that would suffice. There were no plans for removal of trees along the sides of the lane.

Chair Lostrom opened the public hearing at 7:34 p.m.

Ms. Wedlund issued an oath to **Lindsay Murray, 7803 NE 12th Street**, who did not know much about what was proposed for the lane, as she had not yet talked with the Medina engineering consultant. Mr. Gellings explained a turn-round was required for this property located at the end of the lane. The idea was to only require a cost from someone when they were already investing a considerable sum in the property to be developed. Mr. Tobin added the city would insist that the applicant take the legal steps necessary and would not allow the project to proceed without ensuring that the other property owners' rights were protected.

An oath was issued to **Julie Barrett, 7805 NE 12th Street**. Ms. Barrett thought the easement was antiquated and did not function for the planned construction. She wanted the current circle turn-around to be redesigned and updated to include a hammerhead placed equitably on the three properties at the end of the easement. Ms. Barrett was aware of planned removal for some trees, and concurred with removal of two shrubs.

Ms. Wedlund issued an oath to **Joe McEvoy, 7808 NE 10th Street** who requested noise diminution. He also requested a city arborist ensure the landscaping along his property line would be protected during construction. Mr. McEvoy pointed out a significant spring on the southwest portion of the property which meandered between his and the applicant's property lines, and requested proper drainage. He also wanted protection from the visual blight from vehicles parked on the construction site. Mr. McEvoy also requested a 24-hour access phone number. Mr. Tobin indicated drainage for the area to the south and east would not worsen and should actually be better. Mr. McEvoy suggested a French drain might solve the problem. Mr. Tobin also did not think a sound wall would be very beneficial. However, the proposed project was scheduled for completion in 10 months, so it would be finished in a short time frame. Mr. Tobin stated Medina required tree root protection, and it was the landscape consultant's job to review trees surrounding the property, for effects of construction upon those trees. Mitigation would protect anything that could potentially be destroyed. Further, a concerned neighbor could call city staff. Chair Lostrom added the city's arborist could work with the parties for a solution.

An oath was issued to **Shirley McEvoy, 7808 NE 10 Street**, who requested landscaping to absorb noise and to visually block construction trucks. She relayed the 5-foot backyard fence did nothing to mitigate sound or visual impacts. Chair Lostrom commented the visual impact of a construction fence may be worse. He noted the mitigation plan called for up to six vehicles on site. Mr. Tobin added the applicants owned two properties in Medina not far from the construction site, and overflow parking could be accommodated on those parcels, with shuttle service arranged for the workers. Further, the applicants had a wheel-wash truck clean up area.

An oath was issued to **John Burgoyne, 7801 NE 10th Street**, who stated he had always experienced drainage problems as well. The front half of his yard was very swampy. Due to having small children and teenagers, he was concerned about ingress and egress of construction vehicles. He wished to preserve the trees for visual privacy.

Dick Wyman, 7805 NE 12th Street, was issued an oath. He stated the applicant had been very responsive to his concerns. The week prior he had met with the Bellevue Fire Marshall's representative, and had discovered the 16-foot existing easement was still applicable and could apply. He had cedar trees that preserved a visual buffer between the properties. Mr. Wyman did not have a clear understanding that the trees in the turn-around circle would be removed, as the preliminary plan had been revised. He wanted the current circle turn-around to be redesigned and updated to include a hammerhead placed equitably on the three properties at the end of the easement. If the current turn-around was used during construction, he wanted correction of tree clearance to include trees on the west side of the easement to the 13-foot vertical clearance that was required by the Bellevue Fire Marshall. He also inquired about tree trimming. Mr. Tobin stated if the trees could be preserved in the traffic circle, everyone was in favor of that. He suggested pictures be taken ahead of time, and attention could be focused upon the present condition of the trees along the lane. Mr. Tobin also recommended a flagger could be added to the requirements, to alleviate concerns regarding back up of vehicles.

An oath was issued to applicant **Carl Buchan, 2630 – 116th Avenue NE, Bellevue**, who stated a flagger was already part of the Level II Construction Mitigation Plan. He also indicated a hedge was planned before construction

began, which would be more visually appealing and provided more protection than a sound wall. Regarding the spring bordering the two properties, he promised to visit next time it rained, to see how the issue could be resolved.

Mr. Gellings volunteered the city attorney had stated that the applicant was responsible for replacement of trees on the developing property. Neighboring property owners were not responsible for replacing trees on their parcels if those trees had to be removed to accommodate development of the subject parcel.

Mr. Wyman stated **Mr. Buchan** had presented a better proposal for placement of the hammerhead for less impact.

Mr. Buchan indicated the two-day tile cutting process could be done in the garage to mitigate noise.

Commissioner Jordan moved, seconded by Commissioner Brog, to approve the Construction Mitigation Plan Level II for Buchanan Medina Homes at 7807 NE 12th Street, which met with PC approval, with the following conditions:

1. Provide a flagger, including access at 7801 NE 10th Street;
2. Preserve trees on site surrounding properties, if possible.
3. Provide sound control for the tile cutting process, and
4. Early in the project, install plant materials on the southwest property line to provide visual and noise buffers.

Chair Lostrom closed the public hearing at 8:47 p.m.

DISCUSSION--Garbage Enclosure at City Hall—Chair Lostrom inquired whether the garbage enclosure at city hall had been properly permitted, and whether the dumpster was legally in the city street or right-of-way. He had been approached by several citizens, and if there was Commission consensus, they would pass this issue to the Council. Chair Lostrom offered to formally pass this request to Mr. Gellings.

Side Yard Setbacks/Reconstruction Threshold—Chair Lostrom noted the Commission had achieved consensus that the current Zoning Code's side yard setback standards were appropriate for small lots. The Commission believed the issues with side yard setbacks on large and small lots were different, making a single community-wide solution inappropriate. Mr. Gellings referred to his draft problem statement regarding side yard setbacks for small lots, and invited adoption or modification. The two policy issues regarding conflicting goals and gutting homes without significant enlargement were summarized in his staff report, and could help with discussion. Chair Lostrom wanted the second sentence of the Draft Problem Statement changed to, "The City has found it necessary to increase side yard setbacks on larger properties only when there is reconstruction involved." He believed the current side setback concept appeared to be adequate for homes on small lots.

Separately, the reconstruction threshold value may be too low. At its present value, it resulted in a requirement of full compliance with setbacks when relatively modest remodeling projects were undertaken, particularly on older properties with low or modest assessed value of the improvements.

Another unresolved portion of the Problem Statement pertained to cases of extensive remodeling where the existing structure existed inside a currently defined setback. Commission members felt the value mechanism that triggered a variance was not working as it should. The Commission also believed the problem statement should reflect that the setback and reconstruction threshold issues should apply community-wide to all lots regardless of size. Chair Lostrom suggested the word "small" be removed from the penultimate sentence in the Draft Problem Statement.

Vice Chair Nelson mentioned Mercer Island had a new 40 percent first floor exterior wall lineal footage threshold. Any project exceeding that amount must be brought up to code standards. He also suggested another approach would be to retain the percentage value threshold, if the type of construction was limited. Following discussion, the Commission made the following suggested changes to the Draft Problem Statement and provided staff with direction for researching alternative reconstruction thresholds used in other communities.

Draft Problem Statement – Side Yard Setbacks for Small Lots

Proper regulation of side setbacks is key to community character and other important goals. The city has found it necessary to increase side yard setback standards on larger properties only when there is reconstruction involved. A further revision to these standards has been recommended for large lots – lots wider than 125' in R-16 and lots wider than 133' in R-20 and R-30. However, the current standards appear to be adequate for lots smaller than this. A related code issue for the remodeling of homes on ~~small~~ lots is

the reconstruction threshold. Its current formulation appears to be too low because many modest-scope remodel projects are reaching the threshold and facing the burden of full Zoning Code compliance.

The setback and reconstruction threshold issues should apply community-wide to all lots, regardless of size

Vice Chair Nelson relayed he provided an easement across the full length of his lane for neighbors to access their property. He was required to deduct the easement from his property square footage calculation for impervious surface coverage. However, he was also required to calculate the full size of the lot for side yard setbacks, which constituted double jeopardy for citizens who lived on lanes. Chair Lostrom stated he had 500 square feet across the lane that was totally unusable. Vice Chair Nelson volunteered to work on this with Mr. Gellings as a housekeeping issue. Chair Lostrom suggested adding it to the list of items for Council awareness.

ADJOURNMENT—Commissioner Brog stated he would be late to the June 1, 2004 meeting. Commissioner Jordan moved, seconded by Commissioner Greenspoon, to adjourn at 9:50 p.m., and the motion carried unanimously.

Caroll P. Wedlund, Recording Secretary